S T A T E O F N E W Y O R K

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I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to prohibiting surcharges for the installation or use of air conditioner units in housing accommodations subject to rent regulation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The administrative code of the city of New York is amended by adding a new section 26-416 to read as follows:

S 26-416 SURCHARGES FOR TENANT-INSTALLED AIR CONDITIONER UNITS; PROHIBITED. THE IMPOSITION OF ANY SURCHARGE FOR THE INSTALLATION AND USE OF A TENANT-INSTALLED AIR CONDITIONER UNIT IS PROHIBITED WHERE THE TENANT PAYS FOR ELECTRIC UTILITY SERVICE.

S 2. Section 6 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is amended by adding a new subdivision h to read as follows:

H. NO OWNER OF A HOUSING ACCOMMODATION SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL IMPOSE ANY SURCHARGE FOR THE INSTALLATION AND USE OF A TENANT-INSTALLED AIR CONDITIONER UNIT WHERE THE TENANT PAYS FOR ELECTRIC UTILITY SERVICE.

S 3. Section 26-512 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

G. NO OWNER OF A HOUSING ACCOMMODATION SUBJECT TO THE PROVISIONS OF THIS LAW SHALL IMPOSE ANY SURCHARGE FOR THE INSTALLATION AND USE OF A TENANT-INSTALLED AIR CONDITIONER UNIT WHERE THE TENANT PAYS FOR ELECTRIC UTILITY SERVICE.

S 4. Subdivision 4 of section 4 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, is amended by adding a new paragraph (f) to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(F) NO OWNER OF A HOUSING ACCOMMODATION SUBJECT TO THE PROVISIONS OF THIS LAW SHALL IMPOSE ANY SURCHARGE FOR THE INSTALLATION AND USE OF A TENANT-INSTALLED AIR CONDITIONER UNIT WHERE THE TENANT PAYS FOR ELECTRIC UTILITY SERVICE.

S 5. This act shall take effect immediately; provided that: (a) section 26-416 of the city rent and rehabilitation law as added by section one of this act shall remain in full force and effect only as long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act;

(b) the amendments to section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four made by section two of this act shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974; and

(c) the amendments to section 26-512 of chapter 4 of title 26 of the administrative code of the city of New York, made by section three of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law; and

(d) the amendments to section 5 of the emergency housing rent control law made by section four of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided in subdivision 2 of section 1 of chapter 274 of the laws of 1946.